

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

DARIUS HEIMER GITTENS,

Plaintiff,

v.

WILLIE J. BONDS, *et al.*,

Defendants.

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Civil No. 19-13450 (RBK/JS)

ORDER

KUGLER, United States District Judge:

THIS MATTER coming before the Court upon Plaintiff Darius Heimer Gittens' Motion for Default Judgment (Doc. No. 17) as to Michael A. Caruso, William S. Charlton, David W. Dilks, Shaun M. Hayes, Stephen E. Hunter, Linda Linen, Todd E. Perry, and Alexander Solanik; and

THE COURT NOTING that in order to obtain default judgment under Federal Rule of Civil Procedure 55(b), a plaintiff must first secure an entry of default from the Clerk of Court under Rule 55(a), *Allaham v. Naddaf*, 635 F. App'x 32, 36 (3d Cir. 2015); and

THE COURT NOTING that only after the prerequisite default has been entered by the Clerk of Court may the non-defaulting party move for default judgment pursuant to Rule 55(b)(2), *see e.g., Graise v. Marie*, No. 12-05232, 2013 WL 1155281 (D.N.J. Mar. 20, 2013) (denying plaintiff's motion for default judgment for failure to first secure an entry of default); and

THE COURT OBSERVING that Plaintiff has not secured an entry of default from the Clerk of Court against Caruso, Charlton, Dilks, Hayes, Hunter, Linen, Perry, or Solanik; and

THE COURT FINDING that Plaintiff has not satisfied the requirements for obtaining a default judgment under Federal Rule of Civil Procedure 55; and therefore

IT IS HEREBY ORDERED that Plaintiff's Motion (Doc. No. 17) is **DENIED**.

Dated: 08/06/2020

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge